

AG Contract KR882659TRD
ECS File: JPA 88-88
Project: H0957 01C
Section: Red Rock State Park

INTERAGENCY AGREEMENT

BETWEEN

THE ARIZONA DEPARTMENT OF TRANSPORTATION

AND

THE ARIZONA STATE PARKS BOARD

THIS AGREEMENT is entered into 21 November, 1988, between the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "ADOT", and THE ARIZONA STATE PARKS BOARD, hereinafter called "PARKS BOARD".

WHEREAS, ADOT is empowered by Sections 28-108, 11-952 and 28-1822(A)(8), Arizona Revised Statutes, to enter into this agreement, and has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of ADOT; and

WHEREAS, PARKS BOARD is empowered by Section 41-511.05, Arizona Revised Statutes, to enter into this agreement, and acting by and through its Director, has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned the authority to execute same on behalf of PARKS BOARD; and

WHEREAS, this is an agreement between ADOT and the PARKS BOARD defining responsibilities of ADOT and PARKS BOARD in designing and constructing improvements to park access roads, park roads, parking areas, maintenance areas and residential sites.

THEREFORE, the parties hereto agree as follows:

NO. <u>13523</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>12-1-88</u>
<u>Jim Shumway</u> Secretary of State
<u>R. C. Hermon</u>

NOV 21 1988
STATE ENGINEER

SCOPE OF WORK

1. According to ADOT standards and specifications and at its own cost, ADOT shall design, call for bids, award one or more construction contracts and administer the contract(s) for improvements to the park.

a. The improvements include, but are not limited to, constructing left and right turn lanes on US 89A, constructing the access road from US 89A to the park, constructing park roads to the visitors center, headquarters and residence/maintenance area, constructing five parking areas, and constructing a graveled maintenance area and an area for two residential sites.

b. The estimated cost of these improvements is \$3,500,000.00.

2. ADOT shall acquire in the name of the PARKS BOARD additional rights of way for purposes of park road construction, where necessary, as set forth in the resolution of the PARKS BOARD. The PARKS BOARD herein authorizes ADOT to condemn rights of way in the name of the PARKS BOARD, as necessary to accomplish said acquisition. PARKS BOARD shall accept any right of way acquired by ADOT as part of the State Parks system.

3. The PARKS BOARD shall provide information to support the development and construction of the project and necessary permits allowing for the contemplated construction.

* 4. Maintenance and operation of said park road improvements shall be the sole responsibility of the PARKS BOARD.

It is further agreed by and between the parties hereto that:

THIS AGREEMENT shall remain in full force and effect until completion of said projects; provided, however, that this agreement may be cancelled at any time by either party prior to the commencement of work by ADOT, upon 30 days written notice to the other party.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (b) and (c) of Arizona Revised Statutes, as amended.


Attached hereto and made a part hereof is a copy of ADOT's Resolution authorizing entry into this agreement, a copy of PARKS BOARD'S resolution authorizing entry into this agreement, and the Arizona Attorney Generals approval as to form.

All parties hereto recognize that the provisions of Section 35-214, Arizona Revised Statutes, are applicable to this agreement.

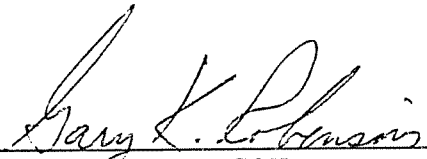
THIS AGREEMENT shall become effective on the date of filing same with the Arizona Secretary of State.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

STATE OF ARIZONA
STATE PARKS BOARD

by 
Executive Director

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

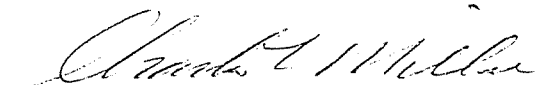
by 
GARY K. ROBINSON
Chief Deputy State Engineer

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RESOLUTION

BE IT RESOLVED on this 24th day of October 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the Arizona State Parks Board for the purpose of installing improvements at Red Rock State Park.

THEREFORE, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

Joni Bosh, Secretary for the Arizona State Parks Board, 800 W. Washington, Phoenix, Arizona 85007, presented the following Resolution and moved its adoption:

RESOLUTION No. 82

By the Arizona State Parks Board
Authorizing the Execution of the Intergovernmental
Agreement with the
Department of Transportation

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, **BE IT RESOLVED** on this 17th day of July, 1987, that **THE ARIZONA STATE PARKS BOARD** determines it is in the best interest of the State of Arizona to enter into an Interagency Agreement with the **ARIZONA DEPARTMENT OF TRANSPORTATION** wherein the **ARIZONA DEPARTMENT OF TRANSPORTATION** will improve various areas within Red Rock State Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within Red Rock State Park for the purpose of constructing park related improvements under the Interagency Agreement, Project VLT-900-938.

THEREFORE, authorization is hereby given to The Arizona State Parks Board Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

After general discussion, the motion to adopt said resolution was seconded by M. Jean Hassell and was unanimously carried by the members present, as follows:

Elizabeth A. Drake
Duane Miller
M. Jean Hassell
Joni Bosh
Reese G. Woodling
William G. Roe

Thereupon, Duane Miller, Vice Chairman of the Arizona State Parks Board, declared that the Resolution had been adopted.

Attest: On July 17, 1987, the aforementioned Resolution was passed and adopted by the Arizona State Parks Board in Regular Session.



Joni Bosh, Secretary



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

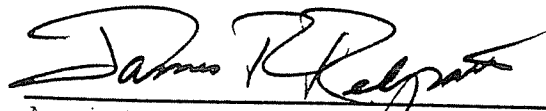
DETERMINATION

A. G. Contract No. KR882659TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 23rd day of November, 1988.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division